

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER
IN THE MATTER OF

HYDE SCHOOL
Bath, Sagadahoc County
GYMNASIUM ADDITION
L-20527-NJ-C-M (approval)

) STORMWATER MANAGEMENT LAW
)
) MINOR REVISION/MODIFICATION
) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Section 420-D, and Chapters 500 and 502 of the Department's Regulations, the Department of Environmental Protection has considered the application of the HYDE SCHOOL with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: Department Order #L-20527-NJ-A-N, dated May 23, 2001, approved the stormwater management system for a family learning center at the Hyde School, and Department Order #L-20527-NJ-B-M, dated February 6, 2003, approved the stormwater management system for an addition to an existing barn on the campus. The school is located on High Street in Bath.

B. Summary: The applicant proposes to remove approximately 16,373 square feet of paved parking area and walkways and construct an 11,000 square foot addition to the existing gymnasium and approximately 9,746 square feet of new paved parking area and walkways. In addition, the applicant has recently removed approximately 5,150 square feet of gravel parking area on the west end of the campus. This area was loamed and seeded and is now vegetated. The project also includes the installation of two bio-retention cells to manage the stormwater runoff from the proposed building addition, parking area and walkways. Once the gymnasium addition is constructed the total impervious area constructed on the campus since October, 1975 will be approximately 2.9 acres. The project is shown on a set of plans, the first of which is entitled "Gymnasium Addition," prepared by Pinkham & Greer Consulting Engineers, Inc., with a last revision date of July 15, 2005. The project is located in the watershed of Whiskeag Creek, a waterbody not at risk from new development, and must meet stormwater quantity standards only.

C. Current Use of Site: The 130-acre campus is developed with a private secondary school.

2. FINDING:

The stormwater quantity plan submitted by the applicant has been reviewed and revised in response to comments from the Division of Watershed Management of the Bureau of Land and Water Quality (DWM). In comments dated July 18, 2005, DWM stated that the proposed project is a minor change that results in no change in the peak flow from the site or the peak flow of the receiving waters based on the removal of existing impervious areas and the installation of the two bio-retention cells adjacent to the proposed addition. The stormwater management system will be maintained by the applicant.

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Based on its review of the application, the Department finds the requested modification to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L-20527-NJ-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Section 420-D, and Chapters 500 and 502 of the Department's Regulations:

- A. The applicant has made adequate provision to ensure that the development will meet the stormwater quantity standards for: (1) peak flow from the site and peak flow of the receiving waters; and (2) maintenance.

THEREFORE, the Department APPROVES the above noted application of the HYDE SCHOOL to revise the stormwater management plan for a gymnasium addition in Bath, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this order, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-20527-NJ-A-N and subsequent orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED AT AUGUSTA, MAINE, THIS 27TH DAY OF July, 2005.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:

DAWN R. GALLAGHER, COMMISSIONER

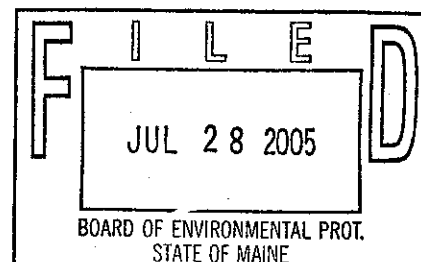
A TRUE COPY

ATTEST:

Paul W. Dutram, Finance Manager
Bureau of Land & Water Quality

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

Date of initial receipt of application June 6, 2005
Date of application acceptance June 16, 2005
Date filed with Board of Environmental Protection
DBB/ATS55580/L20527CM



STORMWATER
STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

Conditions of approval. The following conditions of approval apply to a stormwater permit (individual or permit by rule) required pursuant to 38 M.R.S.A. § 420-D.

1. **Approval of variations from plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S.A. § 420-D(8) and is subject to penalties under 38 M.R.S.A. § 349.
2. **Compliance with all terms and conditions of approval.** The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
3. **Advertising.** Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
4. **Transfer of project.** Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
5. **Initiation of project within two years.** If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference.
6. **Reexamination after five years.** If the project is not completed within five years from the date of the granting of approval, the department may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances or requirements which may have occurred during the five-year period.
7. **Certification.** Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.
8. **Maintenance.** The components of the stormwater management system must be adequately maintained to ensure reasonable operation of the system.

December 31, 1997

DEP LW 0426

SAGadahoc COUNTY

Barbara J. Thott

Register of Deeds